

6 (including cover page)

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Feb 26 2004 9:00AM Paula D. Morris & Associa (713) 334-5157 P.1

THE MORRIS LAW FIRM, P.C.

INTELLECTUAL PROPERTY LAW INCLUDING PATENT, TRADEMARK, COPYRIGHT LAW
UNUSUALLY COURTEOUS AND RELATED MATTERS
10280 WESTHEIMER SUITE 300
HOUSTON, TEXAS 77042

PATULA D. MORRIS
ALBERTO Q. AMADOR JR.
SCOTT D. COMPTON

Certificate of Facsimile Transmission
Under 37 CFR 1.8

I hereby certify that this correspondence is being transmitted via facsimile transmission in accordance with 37 CFR 1.8 on the date indicated below addressed to:

Commissioner for Patents
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on FEBRUARY 26, 2004 Date (703) 746-4060 Facsimile Number No. of Pages including this cover sheet: 6

Linda Sengvong Signature

Linda Sengvong Typed or Printed Name

Attached are the following: Transmittal [1 page], and Declaration of Inventors [4 pages].

Applicant: MARK VAN DYKE Examiner: Not Yet Assigned

Serial No.: 10/626,907 Art Unit: Not Yet Assigned

Filing Date: July 25, 2003 Atty. Docket No.: SWRI-2966-03

Title: Bioactive Coating for Medical Devices

10280 Westheimer, Suite 300, Houston, TX 77042 Telephone (713) 334-5151 Facsimile (713) 334-5157
pmorris@morrislaw.com • asengvong@morrislaw.com • scocompton@morrislaw.com

PAGE 01 REV'D AT 10/26/2004 16:42:15 AM Eastern Standard Time FAXED TO: FEES: 10 / OVER 1000000 / CREDIT: 10 / 334-5151 / DEBIT: 10 / 334-5151

THE MORRIS LAW FIRM, P.C.

INTELLECTUAL PROPERTY LAW INCLUDING PATENT, TRADEMARK, COPYRIGHT LAW,
UNFAIR COMPETITION AND RELATED MATTERS
10260 WESTHEIMER, SUITE 360
HOUSTON, TEXAS 77042

PAULA D. MORRIS
ALBERTO Q. AMATONG, JR.
SCOTT D. COMPTON

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Signature

Linda Sengvong
Typed or Printed Name

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Applicant: MARK VAN DYKE

Examiner:

Not Yet Assigned

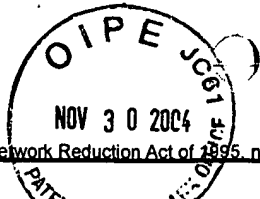
Serial No.: 10/626,907

Art Unit: Not Yet Assigned

Filing Date: July 25, 2003

Atty. Docket No.: SwRI-2966-03

Title: Bioactive Coating for Medical Devices



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/626,907	
	Filing Date	July 25, 2003	
	First Named Inventor	Van Dyke	
	Art Unit	Not Yet Assigned	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	6	Attorney Docket Number	SwRI-2966-03

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): 1) Combined Declaration and Power of Attorney; and 2) Certificate of FAX under 37 CFR 1.8.
Remarks The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 50-0997 (SwRI-2966-03), maintained by Paula D. Morris & Associates, P.C. d/b/a The Morris Law Firm, P.C.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Paula D. Morris, Reg. No. 31,516
Signature	<i>Paula D. Morris</i>
Date	12-24-04

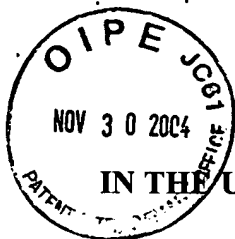
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Please see attached certificate of mailing under 37 CFR 1.10		
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Mark Van Dyke et al.

Serial No.: 10/626,907

Filing Date: July 25, 2003

For: BIOACTIVE COATING FOR MEDICAL
DEVICES

Group Art Unit: 1616

Examiner: Unknown

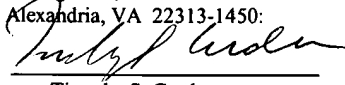
Atty. Dkt. No.: KER020/4-035US
(formerly SwRI-2966-03)

Confirmation No.: 2421

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

November 24, 2004
Date


Timothy S. Corder

**RESPONSE TO 37 C.F.R. § 1.53(b) NOTICE AND
NOTICE OF INCOMPLETE REPLY**

MAIL STOP MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application Filed Under 37 C.F.R. § 1.53(b) and Notice of Incomplete Reply (the "Notices"), both dated October 25, 2004, Assignee asserts that it is entitled to Small Entity Status by virtue of being a small business concern with less than 500 employees. Also in response to the Notices, there are enclosed herewith:

- (a) copy of Declaration executed on behalf of Mark Van Dyke and Arlene J. Siller-Jackson which was filed via facsimile on February 26, 2004;

- (b) An Election Under 37 C.F.R. §§ 3.71 and 3.73 and Power of Attorney on behalf of Keraplast Technologies, Ltd.;
- (c) A Credit Card Payment Form in the amount of \$65.00 to cover the surcharge for late filing (\$65.00); and
- (d) Copies of Notice to File Missing Parts of Application-Filing Date Granted and Notice of Incomplete Reply.

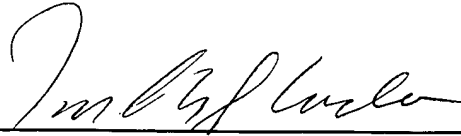
Applicant acknowledges that page 5 of the specification was inadvertently omitted from the application as filed. A preliminary amendment to renumber the pages consecutively and cancel incomplete sentences is being filed under separate cover.

Applicant hereby requests issuance of a corrected Filing Receipt. A copy of the official Filing Receipt with corrections noted thereon is also enclosed.

If the Credit Card Payment Form is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Assistant Commissioner is authorized to deduct or credit said fees from or to Vinson & Elkins L.L.P. Deposit Account No. 22-0365/KER020/4-035US.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,



Timothy S. Corder
Reg. No. 38,414
Agent for Applicant

Vinson & Elkins L.L.P.
2300 First City Tower
1001 Fannin
Houston, Texas 77002-6760
512-542-8446

Date: November 24, 2004



November 24, 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on the date below:

November 24, 2004
Date


Timothy S. Corder

Re: *U.S. Patent Application Serial No. 10/626,907 entitled "BIOACTIVE COATING FOR MEDICAL DEVICES" by Mark Van Dyke et al., Confirmation No. 2421 Attorney Docket No. KER020/4-035US (formerly SWRI-2966-03)*

Sir:

Enclosed for filing in the above-referenced patent application are the following:

1. Response to 37 C.F.R. § 1.53(b) Notice and Notice of Incomplete Reply;
2. Power of Attorney;
3. Declaration;
4. Filing Receipt marked with changes;
5. Credit Card Payment Form;
6. copy of Notice of Incomplete Reply;
7. copy of Notice to File Missing Parts; and
8. Postcard. Please date stamp and mail the postcard.

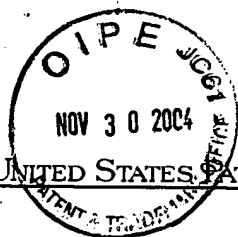
The Commissioner is hereby authorized to charge \$65.00 as indicated on the enclosed Credit Card Payment Form. If the referenced authorization is inadvertently omitted or deficient, or should an overpayment be included herein, the Commissioner is authorized to appropriately deduct or credit the requisite amount from VINSON & ELKINS L.L.P. Deposit Account No. 22-0365/KER020/4-035US.

Respectfully submitted,



Timothy S. Corder
Patent Agent
Reg. No. 38,414

9282:5588
Enclosures
485690_1.DOC



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/626,907	07/25/2003	Mark Van Dyke	SWRI-2966-03

21586
 VINSON & ELKINS, L.L.P.
 1001 FANNIN STREET
 2300 FIRST CITY TOWER
 HOUSTON, TX 77002-6760

CONFIRMATION NO. 2421

FORMALITIES LETTER



OC000000014178996

Date Mailed: 10/25/2004

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 02/26/2004 to the Notice to File Missing Parts (Notice) mailed 10/25/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 was not received.

The following item(s) appear to have been **omitted** from the application:

- Page(s) 5 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing

date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

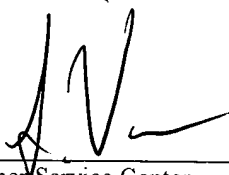
In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

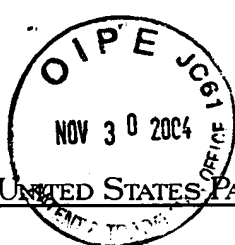


*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/626,907	07/25/2003	Mark E. Van Dyke	SWRI-2966-03

CONFIRMATION NO. 2421

FORMALITIES LETTER



OC000000014178061

21586
 VINSON & ELKINS, L.L.P.
 1001 FANNIN STREET
 2300 FIRST CITY TOWER
 HOUSTON, TX 77002-6760

Date Mailed: 10/25/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/01/2004 MBEYENE1 00000007 10626907

FILED UNDER 37 CFR 1.53(b)

01 FC:2051

65.00 OP

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been **omitted** from the application:

- Page(s) **5** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

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of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

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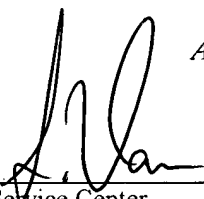
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- **\$65** Late oath or declaration Surcharge.

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Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450



*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE